

ORDINANCE _____, SERIES 2009

**AN ORDINANCE RELATING TO CREATING A SEARCHABLE
ACCOUNTABILITY WEBSITE TO INCREASE THE
TRANSPARENCY OF METRO GOVERNMENT'S REVENUES
AND EXPENDITURES AND SHALL BE REFERRED TO AS THE
"e-TRANSPARENCY" ORDINANCE. (AS AMENDED)**

**PRIMARY SPONSORS: COUNCILMAN KEN FLEMING, DISTRICT 7
COUNCILMAN HAL HEINER, DISTRICT 19**

WHEREAS, the public is served by government and has an absolute right to understand how their money is being spent; and

WHEREAS, increased transparency holds politicians and government officials to a higher level of accountability better ensuring the well being of the public is being served; and

WHEREAS, OMB Watch, with members representing both political parties, that come from multi-discipline professional backgrounds, that are issue-based, and represent government entities, has recommended that government create an easily accessible window pane to government transactions; and

WHEREAS, President Obama and Senator Coburn introduced legislation in 2008 to strengthen the Transparency Act of 2006 to expand the type of information available to the public and has served as a model for at least 35 states in creating free, searchable websites on government spending; and

WHEREAS, the Metro Council finds that taxpayers should be able to easily access the details of Metro Government's revenues and expenditures; and

WHEREAS, technology has greatly enhanced the public's ability to efficiently search for information on the Internet; and

WHEREAS, it is the intent of the Metro Council to create and maintain a searchable accountability website detailing where the money is spent, for what purpose, by which agency, who received the money, where the money comes from, and past reports in order for all taxpayers' investments to be transparent; and

WHEREAS, Louisville Metro government will be one of the few Cities in the country to lead the way for its citizens to search for Metro Government expenditures; and

WHEREAS, a timeline has been established for implementing this searchable database; and

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: DEFINITIONS

A. "Searchable Accountability Website" means Metro Government's public website that allows the public at no cost to search by multiple query options for the following agency information that is not excluded from inspection under Kentucky's Open Records Act:

1. the name ~~and address~~ of payee, amount, date, and receiving or requesting agency, and the funding by fund source
- ~~2. the funding source (including but not limited to receipts, deposits, taxes, fees, gifts, donations, grants, and any other receipts the government receives);~~
- 2 the program, activity or function of the expenditure;
- ~~3. non-check transactions including but not limited to interdepartmental transactions;~~
3. the expenditure by category such as supplies, contractual, personnel, equipment, capital outlay, etc.;
4. the expenditure by ~~purpose~~ subcategory such as travel allowance, repair parts, etc;
5. any Metro Government and Commonwealth of Kentucky (that pertains to Metro Government) audit or report;
6. salaries and wages including, but not limited to, amounts paid to individual employees of Metro's agencies and members of boards and commissions;
7. the amount of revenues received by each revenue source in which Metro levies a tax, fee or in any other manner it has deemed necessary to collect revenue;

8. list of all Metro Government established or approved boards and commissions and their members including position and contact information, the amount paid to board or commission members per meeting, if applicable;
9. quarterly and ~~annual internal~~ year end financial reports by department and the ~~annual published~~ Comprehensive Annual Financial Report;
10. copies of agreements, grants, contracts and any other document or agreement by which Metro government binds obligates itself by department for amounts of \$250,000 or more until June 30, 2010 and for amounts of \$50,000 or more thereafter.
- ~~11. all descriptions of actions or expenditures shall include details on the type of spending (grant, appropriations, contract, etc.) including when possible, a hyperlink to the actual grants or contracts shall be provided; and~~
11. any other relevant information specified by the ~~Metro Finance and Administration Office~~ Metro Office of Management and Budget or by Metro Council.

The Searchable Accountability Website shall also provide users the ability to submit comments to Metro government regarding the utility of the website and recommendations for improvement.

B. "Agency" is, but not limited to, a Metro government department, office, board, authority, commission, affiliated organization, division, institution, or corporation established or instructed by Metro Government. "Agency" also includes all offices in the Executive Branch of Metro Government and the Metro Council.

C. "Metro Government and Commonwealth of Kentucky audit or report" shall include any audit or report issued by Metro Government, Commonwealth of Kentucky or Federal government relating to funds or the program/activity or agency.

SECTION II: ESTABLISHING THE SEARCHABLE ACCOUNTABILITY WEBSITE

The Louisville Metro Government, through its chief executive the Mayor, shall establish the "Searchable Accountability Website" no later than September 30,

2009. All information and functions of the "Searchable Accountability Website" shall be available and operational no later than January 31, 2010 and thereafter updated as set forth in Section III of this Ordinance.

The Mayor, through this Ordinance, is authorized to establish ~~a task force~~ an Advisory Council to oversee for the project. If the ~~Task Force~~ Advisory Council is established then it shall consist of three members from the administration, three members from the public and one member of the Metro Council. This group will consult on the design, development and implementation of the initiative.

SECTION III: UPDATES

- A. Updates to the revenue by source and expense ~~transaction~~ data files shall be available no later than thirty (30) days from the end of each month.
- B. Updates to the financial reports shall be available no later than forty-five (45) days from the end of each fiscal quarter.
- C. Updates to agreements, contracts, and grants shall be made available within thirty (30) days of signing of the document by the Administration.
- D. Updates to fiscal year-end reports shall be available no later than thirty (30) days of their publication date.
- E. Internal and external audits shall be available within thirty (30) days of their release from the issuing agency or auditor.
- F. Information updates of boards or commissions shall be available with thirty (30) days of their change.
- G. All other information contained in the website shall be updated but no less than 90 days.
- H. All data added to the Searchable Accountability Website shall remain accessible to the public through the website for a minimum of five (5) years after the fiscal year end.

SECTION IV: COMPLIANCE

The Louisville Metro Government shall be considered in compliance with this Ordinance provided the data required is available in a searchable manner and each category can be searched by multiple fields within the prescribed timelines.

In addition, a future goal for the searchable accountability website is to provide a description of all actions and expenditures including details on the purpose of spending with a hyperlink to the actual grants, contracts, reimbursement, or other

transactions supporting or explaining the expenditures. The Metro Office of Management and Budget shall provide to the Metro Council semi-annual reports on the progress towards meeting the goal of the enhanced website.

SECTION V: EFFECTIVE DATE

This ordinance shall take effect immediately upon its passage.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

Transparency Ordinance ROC/ml 1-23-09 Draft 1
Transparency Ordinance – Revisions submitted by sponsor 3-25-09 – pending JCAO review